

## REMARKS

Applicant respectfully requests reconsideration of the present U.S. Patent application. Claims 1-33 stand rejected under 35 U.S.C. § 102. Claims 1, 10-14, 18, 21-26 and 28-32 have been amended. Claims 9, 19, 20 and 27 have been canceled. No claims have been added. Therefore, by this amendment, claims 1-8, 10-18, 21-26 and 28-33 are pending.

### Claim Rejections - 35 U.S.C. § 102

#### Rejections of Claims 1-33 Based on *Bartlett*

Claims 1-33 were rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 6,347,290 issued to Bartlett (*Bartlett*). Claims 9, 19, 20 and 27 have been canceled without prejudice. Therefore, the rejection of claims 9, 19, 20 and 27 as being anticipated by *Bartlett* is moot. For at least the reasons set forth below, Applicant submits that claims 1-8, 10-18, 21-26 and 28-33 are not anticipated by *Bartlett*.

Claim 1 recites the following:

a motion control agent, to determine whether an operating system or an application has operational control of a display of the computing device, generate, in response to motion indications received from the motion detection sensor(s), first control signals to modify an operating state of the computing device, if the operating system has operational control of the display, and generate, in response to the motion indications, second control signals to modify displayed content of the computing device, if the application has operational control of the display.

Claim 18 is drawn to a storage medium comprising a plurality of machine-executable instructions, and recites similar limitations. Claim 26 is a method claim, and recites similar limitations. Claim 33 is drawn to a storage medium comprising a plurality of executable instructions that implement the method of claim 26. A proper rejection

under 35 U.S.C. § 102 requires that a single prior art reference teach each and every element of the rejected claim. See MPEP § 2131.

*Bartlett* discloses a method of controlling a device through hand movement when the device is running a specific application, such as an address database application. See col. 2, lines 52-58; col. 4, lines 49-55; col. 4, line 65 – col. 5, line 4; col. 5, lines 24-37. *Bartlett* states that its method does not apply to executing a command such as selecting an icon to start an application. See col. 1, lines 46-61. A command such as selecting an icon to start an application is executable when an operating system has control of a device. There is no need to determine whether an application or an operating system has control of a device in *Bartlett*, because *Bartlett* applies only when the device is running an application, and not when an operating system has control of the device. Accordingly, *Bartlett* does not disclose a motion control agent to determine whether an operating system or an application has operational control of a display of a computing device. Thus, *Bartlett* fails to teach or suggest all of the limitations of claims 1, 18, 26 and 33. Consequently, claims 1, 18, 26 and 33 are not anticipated by *Bartlett* for at least the reasons set forth above. Applicant therefore respectfully requests that the Examiner withdraw the rejections of claims 1, 18, 26 and 33 under 35 U.S.C. § 102.

Claims 2-8 and 10-17 depend from claim 1. Claims 21-26 depend from claim 18. Claims 28-32 depend from claim 26. Because dependent claims include the limitations of the claims from which they depend, Applicant submits that claims 2-8, 10-17, 21-26 and 28-32 are not anticipated by *Bartlett* for at least the reasons set forth above.

### CONCLUSION

For at least the foregoing reasons, Applicant submits that the rejections have been overcome. Therefore, claims 1-8, 10-18, 21-26 and 28-33 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,

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